

**TOWN OF SHREWSBURY  
ANNUAL TOWN MEETING  
(ADJOURNED)  
MAY 19, 2004**

The moderator announced a quorum of town meeting members in attendance and called the meeting to order at 7:08 P.M. in the Shrewsbury High School auditorium. The checklist showed 191 town meeting members present during the evening, including members at large.

The moderator led the assembly in the pledge of allegiance to the flag.

The town clerk administered the oath of office to those newly elected town meeting members who were not present when the oath was administered on Monday, May 17.

The Shrewsbury High School FIRST Robotics Team, The Duct Tape Bandits, demonstrated their skills to town meeting and the team members provided assistance with microphones during the evening.

An asterisk indicates articles recommended by the Finance Committee.

**\*Article 14                      Amend Zoning Bylaw  
   Lakeway Overlay District  
   Section VII.M**

**VOTED** a motion to strike under 6. the letter "b." and insert the number "2.", to strike the letter "c." and insert the letter "b.", to strike the letter "d." and insert the letter "c." to correct typographical errors.

**VOTED** a motion to end debate and vote the corrected substitute printed motion.

**VOTED BY STANDING VOTE YES, 164; NO, 12** the corrected substitute motion to amend the Zoning Bylaw by adding a new Section VII.M, Lakeway Overlay District, as follows:

**M. LAKEWAY OVERLAY DISTRICT**

**1. Purposes.**

The Town shall have a Lakeway Overlay District (LOD) as shown on the Zoning Map entitled, "LAKEWAY OVERLAY DISTRICT, TOWN OF SHREWSBURY," dated March 2, 2004, on file in the office of the Town Clerk. The purposes of the Lakeway Overlay District are to:

- a. Encourage a mix of commercial, residential, institutional and civic uses in a physical arrangement that is safe for vehicular, pedestrian and bicycle traffic;
- b. Provide viable alternatives to conventional commercial sprawl, thereby assisting the Town in creating and maintaining a vibrant, walkable commercial area;
- c. Promote shared access and appropriate links to adjoining properties, thereby lessening the need for curb openings on Route 9.

Toward these ends, the Planning Board is authorized to apply design guidelines, flexible dimensional regulations and site standards to the review of site plans and special permits in the Lakeway Overlay District, as set forth below.

**2. Applicability.**

The Lakeway Overlay District is an overlay district that applies to portions of the Commercial Business and Limited Business Districts along Route 9, as shown on the LAKEWAY OVERLAY DISTRICT map dated March 2, 2004. As an overlay district, it provides development options that do not exist in the underlying zoning districts. Except as provided below, all use, dimensional and development regulations of the Commercial Business and Limited Business Districts remain in effect and are not altered by this Bylaw.

### **3. Relationship to Site Plan Review.**

All permitted and special permitted uses in the Lakeway Overlay District are subject to Article VII, Section F: Site Plan.

### **4. Definitions.**

- a. Mixed-Use Development: Vertical Mix. An integration of commercial and multi-family residential uses in a single structure in which the residential uses are located above the ground floor.
- b. Mixed-Use Development: Horizontal Mix. An integration of commercial and multi-family residential uses in a development comprised of two or more structures on the same lot. The multi-family residential uses may be located above the ground floor of a commercial structure, in separate structures on the same lot, or a combination thereof.

### **5. Permitted Uses and Structures.**

- a. Mixed-Use Development: Vertical Mix. Uses permitted (Y) in the Commercial Business District or Limited Business District, when integrated with one or more of the following uses in a single structure:
  - 1. Dwelling units above the ground floor of a commercial building.
  - 2. Live-and-work space, e.g. artist's residence and studio.
  - 3. In a vertical mixed-use development, permitted commercial uses shall constitute at least 30% of the total gross floor area of the structure.
- b. Conversion of a one-family dwelling, existing at the time of the original adoption of this section of the Bylaw, for a permitted retail or office use, or for a combination of permitted retail, office and residential uses.
- c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a vertical mixed-use development or a one-family conversion.

### **6. Uses and Structures Permitted by Special Permit.**

- a. Mixed-Use Development by Special Permit: Horizontal Mix. In the Lakeway Overlay District, the Planning Board may issue a special permit for a development that includes more than one structure on a single lot and integrates permitted or special permitted uses in the Commercial Business District or Limited Business District with the following additional uses:
  - 1. Multi-family garden-type apartments (SP-PB), subject to a new footnote to Table I:

(28) Multi-family use is allowed as part of a mixed-use development subject to the requirements of Section VII-M. Lakeway Overlay District. Multi-family units may be located above the ground floor of a commercial building, accessed by an entrance separate and distinct from commercial uses, in a multi-family building to the side or rear of the same lot, or a combination thereof. Multi-family building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.
  - 2. Multi-family townhouse-type structures (SP-PB), subject to a new footnote to Table I:

(29) Use allowed by special permit subject to the requirements of Section VII-M. Lakeway Overlay District.
- b. Marinas.
- c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a horizontal mixed-use development.

7. **Prohibited Uses.**

- a. Single-family detached dwelling.
- b. Hospital or sanitarium.
- c. Stand-alone automatic teller machines (ATM) that provide public access from a drive-up window or outside a building, except when part of a building in which the principal use is a commercial banking establishment.<sup>1</sup>
- d. Restaurants or other places for serving food not confined to service on the premises<sup>1</sup>
- e. Gasoline service stations.
- f. Garage and repair shops.
- g. Salesrooms for Automobiles and Motor Cycles
- h. Mortuaries or crematories
- i. Auditoriums, skating rinks, clubs and other places of amusement or assembly where activities are conducted *outside* the structure.
- j. Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons<sup>1</sup>
- k. Any use which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Town.
- l. Any use not explicitly provided for in this Bylaw.

8. **Dimensional, Setback and Intensity Regulations.**

Uses in the Lakeway Overlay District shall meet the following requirements, subject to the corresponding footnotes to Section VII, Table II:

a. Minimum Lot Area:	40,000 feet (16)
b. Minimum Frontage:	150 feet (16)
c. Front Yard Setback ( <u>Maximum</u> Feet):	20 (17)
d. Side Yard Setback (Feet):	None (18)
e. Rear Yard Setback (Feet):	20 (19)
f. Additional Area/Dwelling Unit:	N/A
g. Open Space % Lot Area:	15%
h. Lot Coverage:	50%
i. Maximum Height (Feet):	35 (20)
j. Maximum Number of Stories:	3 (20)

Footnotes to Table II:

(16) Where the underlying district is less than 300 feet in depth, the minimum lot size for uses in the Lakeway Overlay District shall be 20,000 square feet and the minimum frontage, 100 feet.

(17) The front yard setback in the Lakeway Overlay District is a maximum setback that the Planning Board may waive by special permit only for a development that consists of more than one structure on a single lot and only for structures located to the rear of a lot. No parking shall be permitted in the front yard setback.

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<sup>1</sup> Use prohibited in the Lakeway Overlay District and in any portion of a district underlying the LOD.

(18) Except 50 feet when abutting a Rural or Residence district.

(19) Except 50 feet when abutting a Rural or Residence district.

(20) The Planning Board may, by special permit, authorize a maximum height up of 60 feet and five stories for development that consists of more than one structure on a single lot, provided the taller elevation/s is/are located to the rear of the lot, the structure at the front lot line conforms to the height requirements of Table II, the structure with the taller elevation is for a mix of uses but predominantly residential, and the lot does not abut a Rural or Residence District. The Planning Board may impose conditions on the special permit to require at-grade parking under a structure of 60 feet and five stories, with the parking facility constituting one story.

## **9. Development Regulations for the Lakeway Overlay District.**

Development, redevelopment and reuse will generally be deemed consistent with the purposes of the Lakeway Overlay District when it meets the following objectives: (a) provides appropriate scale, design, operation and visual character for a New England downtown or central business district, (b) avoids “big box” development, (c) consolidates and minimizes curb cuts, subordinates the location of parking to buildings, and provides exemplary architectural design, (d) strengthens the local economy, (e) encourages pedestrian and bicycle access along major and side streets, and between commercial or mixed-use properties, and (f) encourages people to live, work and shop in Shrewsbury by providing a planned mix of uses.

### **a. Multi-Family Dwellings**

Multi-family garden-type apartments and multi-family townhouse dwellings may be allowed by special permit from the Planning Board when part of a horizontal mixed-use development in the Lakeway Overlay District, subject to the following requirements:

1. Multi-family garden-type apartments may be located above the ground floor of a building, provided that the ground floor is occupied by permitted or special permitted commercial uses.
2. Multi-family garden-type apartments may be allowed in separate buildings located to the side and rear portions of a lot on which the primary structure facing the street contains a vertical mix of commercial and residential uses, provided that no more than 60% of aggregate gross floor area on the lot is for residential uses. The Planning Board may waive the requirement that the primary structure contain a vertical mix of commercial and residential uses when the height of the primary structure is at least 35 feet and two and one half stories. Multi-family building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.
3. Multi-family townhouse-type structures may be allowed in separate buildings located to the side and rear portions of a lot on which the primary structure facing the street contains a vertical mix of commercial and residential uses, provided that no more than 60% of aggregate gross floor area on the lot is for residential uses. The Planning Board may waive the requirement that the primary structure contain a vertical mix of commercial and residential uses when the height of the primary structure is at least 35 feet and two and one half stories. Building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.
4. Multi-family garden-type apartments and multi-family townhouse-type structures must provide affordable housing in accordance with Community Benefits (below).
5. The maximum number of garden-type apartments or townhouse-type units allowed in a single development shall not exceed the limit in Footnote 5 of Table I, Section VI.
6. Aggregate maximum gross floor area of garden-type apartments or townhouse-type units approved by special permit from the Planning Board shall not exceed 40% of aggregate gross floor area of all uses in the Lakeway

Overlay District, including permitted or special permitted uses in the underlying district.

b. Site Development; Location of Buildings and Structures

In addition to the requirements of Section VII of this bylaw, the following development regulations apply in the Lakeway Overlay District.

1. Multiple buildings on a single lot. By special permit from the Planning Board, a lot in the Lakeway Overlay District may contain more than one structure with a principal use, but the total amount of development on any lot shall not exceed a gross floor area ratio of 1.5. The Planning Board may grant approval for two or more structures on one lot only upon making a determination that the proposed development:
  - (a) Contains a mix of commercial and residential uses.
  - (b) Meets Lakeway Overlay District Design Guidelines
  - (c) Addresses the criteria under Community Benefits.

c. Site Plan Submission Requirements

All uses in the Lakeway Overlay District shall be subject to site plan review or site plan approval, as applicable, by the Planning Board. Applications and procedures shall be in accordance with Section VII-F and the following additional requirements for Site Plan Content:

1. Elevations of all proposed buildings, prepared and stamped by a registered professional architect.
2. A landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths, prepared by a registered landscape architect.

d. Site Plan Approval Criteria

The Planning Board shall approve a site plan only upon a determination that the plan meets the requirements of Section VII-F.h and the following additional design criteria for the Lakeway Overlay District. Specifically, the Planning Board shall find that the site plan:

1. Promotes public safety by avoiding pedestrian or vehicular hazards within the site or egressing from it, facilitating access by emergency vehicles and facilitating visual surveillance by occupants, neighbors and passersby.
2. Minimizes curb cuts on existing public ways. Wherever feasible, access to lots in the Lakeway Overlay District shall be provided through one of the following methods: (a) through a cul-de-sac or loop road or common driveway shared by adjacent lots or premises, (b) through joint and cross access between the lot and adjacent uses, (c) through an existing side or rear street, (d) through a cul-de-sac or loop road shared by adjacent lots or premises.
3. Contributes to a visually attractive, pedestrian- and bicycle-oriented image throughout the Lakeway Overlay District by providing appropriate landscaping and walkways along Route 9 and between adjoining properties. In addition:
  - (a) The front yard area should provide pedestrian amenities, such as an accessible patio or sitting plaza, and a continuous landscaped edge to the property in question, except for points of entry and exit. Visual relief from buildings and hard materials shall be accomplished with landscape treatment such as shrubs, trees, flower boxes and other greenery around buildings or in recessed places.
  - (b) If no public sidewalk exists across the frontage of the lot, a paved sidewalk of at least six feet in width shall be provided within the front yard setback and to the maximum extent possible, the sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties.

- (c) Parking shall be located to the rear of a building and may be located to the side, provided that no off-street parking is located within 20 feet of the front elevation facing Route 9.
  - (d) Parking areas shall include appropriate, visible facilities for the parking of bicycles.
- 4. Enhances the natural environment by preserving mature trees where they exist, reducing the volume of earth materials cut or filled, reducing soil erosion during and after construction and reducing the extent of alteration in the amount, timing and location of stormwater runoff from the site.
- 5. Addresses the Lakeway Overlay District Design Guidelines to the maximum extent practical given the size of the proposed development, its mix of uses, and its relationship to abutting properties.
- e. Lakeway Overlay District Design Guidelines

The following design guidelines apply to all uses and structures in the Lakeway Overlay District and should be addressed, to the maximum extent practical, in applications for site plan review or site plan approval, as applicable.

1. General. The elements on a building's elevations are crucial to its overall architectural quality, its presence and contribution to the surrounding area. A two- to two-and-one-half story elevation is preferred for structures facing Route 9, but a three-story elevation is acceptable. The Planning Board may approve taller elevations for structures located to the rear of a lot. In addition, a pleasing, symmetrical arrangement of windows, entrances, trim, shutters and other details, and proportionality of these features, creates a rhythm that will accomplish the town's objectives for the Lakeway Overlay District. Generally, buildings should contribute to a sense of continuity and coherence for all who visit, shop or work there. Architectural diversity is encouraged as long as individual design solutions are compatible with the purposes of the Lakeway Overlay District as a compact, mixed-use area with a strong visual definition.
2. Site context. Recognizing that major visual exposure comes not only from the building front, applicants must give full attention to the treatment of sidewalks, landscaping, parking areas and the building wall at the rear and sides.
3. Orientation. Buildings should not turn their backs to the street. They should face the street, and may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location. Buildings and site design should provide an inviting entry orientation.
4. Size, mass, facades and exterior features. No single structure may exceed 80,000 gross square feet. A single building with a width of more than 60 feet facing the street should be divided visually into sub-elements which, where appropriate, express the functional diversity within the building. In addition, all buildings should:
  - (a) Provide continuous visual interest, emphasizing such design features as bay windows, recessed doorways, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings or canopies.
  - (b) Avoid unarticulated and monotonous building facades and window placements, regular spacings, and building placements that will be viewed from the street as continuous walls.
  - (c) Provide human-scale features, especially for pedestrians and at lower levels and from a pedestrian viewing distance.
5. Accommodation of taller buildings. Taller buildings must be located away from Route 9 and from abutting and off-site residential areas.

6. Exterior materials. Exterior materials may include painted clapboard, wood shingles, brick or materials of comparable appearance, subject to approval by the Planning Board. Neutral or earth-tone colors are appropriate, but brighter colors may be applied to building trim with approval of the Planning Board. Variation in materials, appropriate colors and textures is encouraged when they contribute to the purposes of the Lakeway Overlay District. Rough, imitation or reflective materials such as unpainted wood, field stone, stucco, smooth-face concrete, exposed metal, imitation materials, mirror glass, porcelain enamel or polished stone are prohibited unless authorized by special permit from the Planning Board.
7. Rooflines and roof features. A flat or nearly flat roof is prohibited on any building facing the street in the Lakeway Overlay District, except as provided below.
  - (a) Structures facing Route 9 should have a simple gable roof with an average slope of 6 over 12. A structure that fronts on and faces a side street should have a simple gable roof with a pitch of at least 8 over 12, or a gambrel or a hip roof. The roof trim should have depth and projection of details.
  - (b) The Planning Board may grant a special permit to authorize a flat-roof design on a structure facing Route 9, provided that a flat roof structure shall be capped by an articulated parapet design that acts as a structural expression of the building façade and its materials.
  - (c) For other structures, roof features should complement the character of adjoining development and meet the purposes of the Lakeway Overlay District. Roofs shall, at a minimum, have articulated parapets concealing flat roofs and rooftop equipment, (such as HVAC units) which are visible from adjoining public streets or properties. Parapets or facades shall be designed to give the appearance of three or more roof slope planes.
8. Environmental design. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.
9. Large retail development. Large retail developments of more than 50,000 square feet of floor area should provide outdoor spaces and amenities to link structures with surrounding areas in the Lakeway Overlay District. Passenger drop-off/pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of activity within the District. Unless waived by the Planning Board, each large retail development shall provide at least one of the following design features, which shall be constructed of materials that match the principal structure and linked by sidewalks to the principal structure:
  - (a) Patio/seating area.
  - (b) Pedestrian plaza with benches.
  - (c) Window shopping walkway.
  - (d) Play areas.
  - (e) Kiosk area.
  - (f) Water feature or clock tower.
  - (g) Other focal feature approved by the Planning Board.
- f. Community Benefits

The Planning Board may grant a special permit for a mixed-use development that includes multi-family garden-type apartments or multi-family townhouse-type structures when the development provides community benefits. For purposes of this bylaw, “community benefits” shall include low- or moderate-income affordable housing and one of the additional benefits described below.

1. Low-income affordable housing. A mixed-use development shall provide 10% of the dwelling units as affordable in perpetuity to households with incomes at or below 80% of area median income as determined by the U.S. Department of Housing and Urban Development (HUD). “Affordable” shall account for adjustments to income based on household size/s suitable for the proposed dwelling units, as presented in the formula for below-market housing.
2. For mixed-use developments that receive a special permit on the condition of including low-income affordable units, no occupancy permit shall be issued for until:
  - (a) An affordable housing use restriction or regulatory agreement approved by the DHCD Local Initiative Program (760 CMR 45.00) has been recorded at the Registry of Deeds.
  - (b) Applicants provide evidence acceptable to the town that the unit/s has/have been approved by the DHCD Local Initiative Program (760 CMR 45.00) for listing on the Chapter 40B Subsidized Housing Inventory.
3. Neighborhood or community facility. A mixed-use development shall also provide a neighborhood or community facility, i.e., a facility open and available to residents of nearby neighborhoods or the town, and meets community needs as determined by the Planning Board. A neighborhood or community facility may include:
  - (a) A small public park with furnishings and pathways accessible to persons with disabilities.
  - (b) A tot lot or small neighborhood playground, with furnishings and pathways accessible to persons with disabilities.
  - (c) A bandstand.
  - (d) A fee in lieu of neighborhood or community facilities paid to the Lakeway Overlay District Fund. The fund shall be the town’s use to provide streetlights, sidewalks, trash receptacles, parking and public realm improvements in the Lakeway Overlay District, in accordance with a fee schedule approved by the Planning Board.

#### **10. Special Permits in the Lakeway Overlay District.**

The special permit Granting Authority (SPGA) for uses and structures in the Lakeway Overlay District shall be the Planning Board.

- a. Requirements. An application for a special permit in the Lakeway Overlay District shall include a written description of the proposal for which a special permit is requested and a Site Plan prepared by a Registered Professional Engineer and/or Registered Land Surveyor at an appropriate scale to clearly show dimensions, legend, and all other information deemed necessary to describe the site and its conditions. The application and accompanying plan(s) shall be of size, form, number and contents specified in the Lakeway Overlay District Submission Requirements and Procedures, adopted by the Planning Board and filed with the Town Clerk. After adoption of this Bylaw, the Planning Board shall prepare and adopt the Lakeway Overlay District Submission Requirements and Procedures following a public hearing.
- b. Site Plan Approval. The site plan approval requirements of Section VII.F(3) of this Bylaw shall apply to special permitted uses in the Lakeway Overlay District. For uses allowed by special permit, site plan review shall be conducted concurrently with the special permit application, review and determination procedures.
- c. Special Permit Granting Criteria. The Planning Board may approve a special permit for a proposed use or structure upon finding that the application complies with the purposes of this Bylaw, to the degree consistent with a reasonable use of



the site for the purpose permitted within the Lakeway Overlay District. In making its decision, the Planning Board shall consider the following criteria:

1. Compliance with the Shrewsbury Zoning Bylaw
2. Consistency with the Shrewsbury Master Plan.
3. The degree to which the development meets the “Lakeway Overlay District Design Guidelines” in Section 9.e of this Bylaw.
4. The degree to which the applicant has preserved and enhanced a historically significant building or other historic or cultural resource, where applicable.
5. The degree to which the applicant’s proposal provides logical, safe pedestrian connections to other uses nearby.
6. Protection of adjoining premises against detrimental or offensive uses on the site.
7. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.
8. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways and land.
9. Adequacy of water supplies and distribution for domestic use fire protection.
10. Adequacy of the methods of storage and disposal for sewage, refuse and other wastes resulting from the uses permitted on the site and the methods of drainage or retention of surface water.

#### **11. Off-Street Parking.**

- a. Off-street parking shall be provided in accordance with Section VII.D, Off-Street Parking and Loading Regulations, except that in the Lakeway Overlay District, applicants may seek relief from strict compliance with the off-street parking requirements of this Bylaw by obtaining a special permit from the Planning Board.
- b. The Planning Board may grant relief by issuing a special permit to:
  1. Reduce the number of required parking spaces.
  2. Accept from the applicant a payment in lieu of parking spaces to the Lakeway Overlay District Fund.
  3. Authorize a combination thereof.

#### **12. Use Variances.**

Use Variances are not permitted in the Lakeway Overlay District.

#### **13. Additional Requirements**

The Planning Board may adopt rules and regulations necessary to implement this Bylaw after holding a public hearing. Rules and regulations adopted by the Planning Board shall be filed with the Town Clerk.

Planning Board report recommending acceptance was placed on file with Town Clerk

#### **\*Article 15                      Amend Zoning Bylaw     Section VI-Use Regulations**

**VOTED BY STANDING VOTE YES, 164; NO, 5** a motion to amend SECTION VI – USE REGULATIONS Table I Use Regulation Schedule as follows:

- 1) Delete the following row from Section VI, Table I

Table I  
Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Banking machines, as stand-alone structures, or where public access is available via drive-up windows or from outside a building.	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP

and insert the following row in its place

Table I  
Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Banking machines, as stand-alone structures, or where public access is available via drive-up windows or from outside a building.	N	N	N	N	N	N	N	N	SP (27)	SP (27)	SP	SP	SP	SP

2) Delete the following row from Section VI, Table I

Table I  
Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Restaurants or other places for serving food not confined to service within the structure.	N	N	N	N	N	N	N	N	N	N	SP	N	N	N

and insert the following row in its place

Table I  
Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Restaurants or other places for serving food not confined to service within the structure.	N	N	N	N	N	N	N	N	N	N	SP (27)	N	N	N

3) Delete the following row from Section VI, Table I

Table I  
Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons (16)	N	N	N	N	N	N	N	N	N	N	SP	N	N	N

and insert the following row in its place

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons (16)	N	N	N	N	N	N	N	N	N	N	SP (27)	N	N	N

4) In Section VI, Table I – Use Regulation Schedule, add the following footnote

(27) Banking machines, as stand-alone structures; Restaurants or other places for serving food via drive through window; and Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons shall be prohibited within the Commercial Business (CB) and Limited Business (LB) districts identified on the map included in section VII, Subsection M – Lakeway Overlay District, entitled “LAKEWAY OVERLAY DISTRICT, TOWN OF SHREWSBURY”.

Planning Board report recommending acceptance was placed on file with Town Clerk

**\*Article 16                      Amend Zoning Bylaw and Zoning Map**  
**Section VII - Development of Sites and Location**  
**of Buildings and Structures Table II**

**VOTED BY STANDING VOTE YES, 170; NO, 3** a motion to amend  
**SECTION VII – DEVELOPMENT OF SITES AND LOCATION OF BUILDINGS**  
**AND STRUCTURES** Table II as follows:

TABLE II										
CONDITIONS	MINIMUM REQUIREMENTS									MAXIMUM
	Lot Area <sup>(10)</sup> Sq. Ft.	Lot <sup>(1)</sup> Frontage	Front <sup>(2)</sup> Yard	Side <sup>(3)</sup> Yard	Rear Yard	Add'l Area Per <sup>(5)</sup> DwellingUnit	Open Space Percent of Lot Area	Lot Coverage Percent	Height Feet	Number Stories

1) Delete the following row from Section VII, Table II

Limited Business										
All Uses	12,500	100	15 <sup>(4)</sup>	15*	15*	--	15	40	35	2-1/2

\*except 50 when abutting a Residential District

and insert the following row in its place									
Limited Business									
All Uses	12,500	100	15 <sup>(4)</sup>	15*	15*	--	15	50	35
*except 50 when abutting a Residential District									

- 2) Delete the following footnote from Section VII, Table II
- 4) Except fifty (50) feet when fronting on Route 9 and Route 20.
- and insert the following footnote in its place
- 4) Except fifty (50) feet when fronting on Route 20.

Planning Board report recommending acceptance was placed on file with town clerk

**\*Article 17**                    **Amend Zoning Bylaw and Zoning Map**  
                                     **Section VII - Development of Sites and Location**  
                                     **of Buildings and Structures**

**VOTED UNANIMOUSLY** a motion to amend Section VII-Development of Sites and Location of Buildings and Structures Subsection B Area, Frontages, Yard and Lot Coverage Requirements: by amending paragraph 5 by deleting the number "50" in the last clause and insert in place thereof the number "20".

Planning Board report recommending acceptance was placed on file with town clerk

**\*Article 18**                    **Home Rule Petition**  
                                     **Lakeway Overlay District Fund**

**VOTED UNANIMOUSLY** a motion to authorize the Board of Selectmen to submit a Home Rule Petition to the General Court, in substantially the following form:

**LAKEWAY OVERLAY DISTRICT FUND**

Section 1. The Town of Shrewsbury may establish a separate fund to be known as the Lakeway Overlay District Fund for the purpose of providing street lights, sidewalks, trash receptacles, parking and public realm improvements in the Lakeway Overlay District as defined by Section VII.M of the Shrewsbury Zoning Bylaw.

Section 2. All the expenditures from the fund shall be used for public improvements that enhance, revitalize, improve, beautify, or increase pedestrian safety in the Lakeway Overlay District. The following are eligible uses of the Lakeway Overlay District Fund:

- a) Acquire and improve land for off-street parking, including surface parking lots and structured parking;
- b) Acquire, install and maintain public amenities, including but not limited to sidewalks, benches, trash receptacles, street lights, Landscaping and Plantings, and directional or informational signage and kiosks.
- c) Acquire, improve, manage, or convey by lease or sale real property in the Lakeway Overlay District for purposes consistent with the Shrewsbury Master Plan, Capital Improvements Plan, or any other plans, studies or programs authorized and approved by the Planning Board to address the economic development, land use, or transportation needs of the Lakeway Overlay District.

Expenditures shall be authorized by a majority vote of town meeting upon a favorable recommendation of the Planning Board and the Board of Selectmen. The Town Manager shall be responsible for carrying out all expenditures authorized by town meeting.

Section 3. As a means of providing available assets for the fund, all monies received by the Town through the following means shall be paid over to and become a part of the fund for the purposes set forth in this act:

- a) Cash payments made by developers to the Town pursuant to Section VII.M of the Shrewsbury Zoning Bylaw.
- b) Gifts, grants, donations, contributions or other cash payments made to and accepted by the Town for the purpose of carrying out public improvements in the Lakeway Overlay District.

Section 4. Real property interests acquired or conveyed by the Town under this act shall be in accordance with Section 16 of chapter 30B of the General Laws, unless exempt under Section 1 of said chapter 30B or under other laws of the Commonwealth.

Section 5. The Town Treasurer shall be the custodian of the fund and shall invest the funds in the manner authorized by Sections 55, 55A and 55B of chapter 44 of the General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.

Planning Board report recommending acceptance was placed on file with town clerk

**\*Article 19                      Amend General By-Laws**  
**Article 20 - Possession of Weapons**  
**By Minors in Public Prohibited**

**VOTED** a motion to amend by deleting the words "under the age of eighteen" from Section 2., line one, of the printed motion

**VOTED** to end debate and vote the printed motion as amended.

**VOTED** the printed motion as amended to amend the General By-Laws of the Town of Shrewsbury by adding the following new article.

ARTICLE 20  
 POSSESSION OF WEAPONS BY MINORS IN PUBLIC PROHIBITED

SECTION 1. No minor under the age of eighteen shall have an air rifle, BB gun, or paint ball gun in his possession while in any place to which the public has a right of access unless he is accompanied by an adult or unless he is the holder of a sporting or hunting license and has on his person a permit from the chief of police of the town in which he resides.

SECTION 2. No person shall discharge a BB shot, pellet, paint ball or other object on, from or across any street, alley, or public way or in any place to which the public has a right of access.

SECTION 3. A police officer witnessing a violation of this by-law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

SECTION 4. Whoever violates this section shall be punished by a fine of not more than one hundred dollars, and the air rifle, BB gun, or paint ball gun shall be confiscated. Upon conviction of a violation of this section and by the written authority of the court the weapon shall be destroyed.

**\*Article 20                      Amend General By-Laws**  
**9-D Motorized Scooters Prohibited**

**VOTED** a motion to strike out number "4." appearing in the third section and insert number "3". to correct a typographical error.

**VOTED** a motion to end debate and vote a motion to amend the corrected printed motion by adding at the end of Section 1. the words "except when operated when wearing a helmet on a public way where the speed limit is 30 miles or less."

Finance Committee, 5 to 3, does not recommend motion to amend

**DEFEATED** a motion to amend the corrected printed motion by adding at the end of Section 1. the words "except when operated while wearing a helmet on a public way where the speed limit is 30 miles or less."

**VOTED** a motion to end debate and vote the corrected printed motion.

**VOTED** the corrected printed motion to amend the General By-Laws of the Town of Shrewsbury by adding the following new Article:

9-D Motorized Scooters Prohibited

**SECTION 1.** No person shall operate a motorized scooter, motorized skateboard, or other similar motorized motor vehicle on any public way, sidewalk, playground, property of the Town of Shrewsbury ,or private property without the permission of the owner.

**SECTION 2.** A police officer witnessing a violation of this by law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

**SECTION 3.** Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

The vote being questioned by seven voters, it was

**VOTED BY STANDING VOTE YES, 134; NO, 34** the corrected printed motion to amend the General By-Laws of the Town of Shrewsbury by adding the following new Article:

9-D Motorized Scooters Prohibited

**SECTION 1.** No person shall operate a motorized scooter, motorized skateboard, or other similar motorized motor vehicle on any public way, sidewalk, playground, property of the Town of Shrewsbury ,or private property without the permission of the owner.

**SECTION 2.** A police officer witnessing a violation of this by law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

**SECTION 3.** Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

**Article 21                      Amend General By-Laws**  
**Article 11-B Hawkers and Peddlers**

Police Chief recommends defeat of Article 21.

**DEFEATED UNANIMOUSLY** a motion to amend Article 11-B Hawkers and Peddlers of the General By-Laws of the Town of Shrewsbury by adding the following new Section:

**Section 8.** A police officer witnessing a violation of this by law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

**\*Article 22                      Amend General By-Laws**  
**Article 11-D Solicitor/Canvasser**

**VOTED UNANIMOUSLY** a motion to amend Article 11-D Solicitor/Canvasser of the General By-Laws of the Town of Shrewsbury by amending Section 3 by increasing the fee from \$2.00 to \$25.00 and by adding the following new Section:

**Section 11.** A police officer witnessing a violation of this by-law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

**\*Article 23**

**Amend General By-Laws**

**Article 11-I**

**Newspaper Dispensing Devices Permit and Applications**

**VOTED UNANIMOUSLY** a motion to amend Article 11-I Newspaper Dispensing Devices Permit and Application of the General By-Laws of the Town of Shrewsbury by amending Paragraph A. by deleting in its entirety and inserting in place a new Paragraph A. as follows:

- A. The term "newspaper/advertising dispensing device" as used in this section, shall mean a mechanical container constructed of metal, vinyl, or other material of substantially equivalent strength and durability, not more than fifty inches in height and not more than twenty-six inches in length and width.

and by amending Paragraph B. (6.) by deleting in its entirety and inserting in place a new Paragraph B. (6.) as follows:

6. in any location where three (3) such devices are already located

and by amending Paragraph B. by inserting a new Paragraph B. (7.) as follows:

7. where chained to any utility pole, street sign, or any other property belonging to or maintained by the Town of Shrewsbury.

**\*Article 24**

**Amend General By-Laws**

**Article 4**

**Town Board and Departments**

**VOTED** to end debate and vote the printed motion.

**VOTED** a motion to amend Article 4 Town Board and Departments of the General By-Laws of the Town of Shrewsbury by adding the following new Article:

**4-M TOWN CLERK**

SECTION 1. The Selectmen shall appoint a Town Clerk. Appointment shall be for a three-year period, or until a successor is appointed and qualified, except that the first appointment shall be for the period beginning with the annual election of officers in 2006, and ending on the first Monday in March, 2009. Thereafter appointments shall be made on or before the first Monday in March in each third year.

SECTION 2. The town clerk shall be a person especially fitted by education or training in public or business administration and by previous experience in work associated with local government record keeping and/or elections.

SECTION 3. The town clerk may be removed by the Selectmen for cause, after such notice and hearing as they may deem advisable.

SECTION 4. In the event of a vacancy in the office of the town clerk the Selectmen shall appoint a successor to hold such office until the expiration of the term for which the original appointment was made.

SECTION 5. The town clerk shall exercise all powers and undertake all duties and responsibilities as set forth in General Laws, Chapter 41 or any other Chapter relating to the duties and responsibilities normally associated with that of an elected town clerk except as modified by this Article.

SECTION 6. The town clerk shall pay all fees received by virtue of the office into the Town Treasury.

**\*Article 25**

**Sale of Property  
52 Holden Street**

**VOTED** to end debate and vote the printed motion.

**VOTED UNANIMOUSLY** a motion to authorize the Board of Selectmen to sell to the highest bidder under such terms and conditions deemed appropriate a parcel of land with single family residence situated thereon as shown on the plan entitled "Plan Showing Subdivision of Land Owned by the Town of Shrewsbury" prepared by the Town of Shrewsbury Engineering Department dated August 2003. Said parcel being more particularly bounded and described as follows:

BEGINNING at a point on the easterly sideline of the Worcester County Layout of Holden Street;

THENCE N 85°24'02" E, 185.68 feet, by land now or formerly of Town of Shrewsbury to a point;

THENCE S 04°09'26" E, 123.24 feet, by land now or formerly of said Town of Shrewsbury to a point;

THENCE S 84°51'55" W, 180.20 feet, by land now or formerly of Charles J. and Janet M. Allen to a point on easterly sideline of the Worcester County Layout of Holden Street;

THENCE N 06°40'49" W, 125.00 feet, along said Holden Street Layout to the point of beginning.

The above described parcel contains 22,700 square feet more or less, being a portion of the land conveyed to the Town of Shrewsbury dated February 22, 1999 and recorded at the Worcester Registry of Deeds in Book 21065 page 357.

RESERVING to the Town of Shrewsbury a permanent slope easements bounded and described as follows:

BEGINNING at the Northwesterly lot corner of the above described Parcel A;

THENCE S 68°24'31" E, 42.01 feet, to a point;

THENCE N 89°10'08" E, 100.83 feet, to a point;

THENCE S 59°30'45" E, 57.35 feet, to a point;

The preceding three (3) courses being through above described Parcel A.

THENCE N 04°09'26" W, 58.13 feet, by land now or formerly of Town of Shrewsbury to a point;

THENCE S 85°24'02" W, 185.68 feet, by land now or formerly of said Town of Shrewsbury to a point of beginning.

The above described Slope Easement contains 4,516 ± square feet of land, more or less, being for roadway purposes including, but not limited to, construction, fill, maintenance, and repair of slopes and embankments at such an angle as will hold the material of said slopes in repose against ordinary erosion. The Grantee, its successors, and assigns, agrees that it will not, without the consent of the Town of Shrewsbury, alter, erect, or maintain any building or other improvement, including landscaping, upon the above-described easement areas that may unreasonably interfere with or endanger the above-granted rights and easement or the operation and maintenance thereof, and that the Town may cause to have removed any such building or improvement, including landscaping, that may be wholly or partly within the above-described easement area at the expense of the then owner of the land upon which the above-described easement lies

The above described Parcels A and Slope easement are on a Plan of Land entitled: "OWNER: TOWN OF SHREWSBURY, PLAN SHOWING SUBDIVISION OF LAND



OWNED BY THE TOWN OF SHREWSBURY,” dated August 2003. The said plan is recorded in Worcester District Registry of Deeds, in Plan Book 21065, Plan 357.

**\*Article 26                      Construction of Storm or Surface Drains**

**VOTED UNANIMOUSLY** a motion to authorize the Selectmen to construct storm drains in public ways and to acquire by eminent domain or otherwise all such easements as may be necessary or appropriate in connection therewith, and the sum of \$50,000 be raised and appropriated to pay for such easements and the construction of such drains including engineering and other expenses incidental thereto.

**\*Article 27                      Sidewalks and Curbing  
Construction, Reconstruction, Repair and Maintenance**

**VOTED UNANIMOUSLY** a motion to authorize the Selectmen to construct, reconstruct, repair and maintain sidewalks and curbing and to acquire by eminent domain or otherwise all such easements as may be necessary or appropriate in connection therewith, and the sum of \$50,000 be raised and appropriated to pay for such easements and the construction of such drains including engineering and other expenses incidental thereto.

**\*Article 28                      Improve Sewer System**

**VOTED UNANIMOUSLY** a motion that the Town raise and appropriate the sum of \$300,000 for laying out and constructing a system of main drains, common sewers, sub-drains, connections and other works as may be required for a system of sewerage, including acquiring all land or easements which may be necessary in connection therewith which may be authorized by Chapter 502 of the Acts of 1954 as amended.

**\*Article 29                      Rolfe Avenue Sewer Lift Station  
Improvements and Repairs**

**VOTED UNANIMOUSLY** a motion to transfer \$300,000 from the Sewer Surplus Account to fund improvements and repairs to the Rolfe Avenue Sewer Lift Station and related appurtenances.

**\*Article 30                      Sewer System  
Infiltration and Inflow (I&I) Program**

**VOTED UNANIMOUSLY** a motion to transfer \$100,000 from the Sewer Surplus Account to fund all costs associated with general improvements and repairs to the municipal sewer system and related appurtenances that are associated with an ongoing infiltration and inflow (I&I) reduction program.

**\*Article 31                      Water System Improvements**

**VOTED UNANIMOUSLY** a motion to raise and appropriate the sum of \$261,000 for the improvement of the water system including extension, relocation and relaying of water mains and replacement or improvement of water system appurtenances, buildings and equipment including the construction of new buildings and facilities and/or expansion and renovation of existing buildings and facilities and authorize the Board of Selectmen to acquire by gift, purchase or by eminent domain land or easements in connection therewith.

**\*Article 32                      Fire Department Headquarters  
Design Development**

**VOTED** a motion to end debate and vote the printed motion.

**VOTED BY STANDING VOTE YES, 145; NO, 8** a motion to transfer \$150,000 from the Stabilization Fund to fund architectural, engineering, surveying, testing, appraisal or other costs associated with the design development of a new Fire Department Headquarters and repairs and improvements to the current Fire Headquarters and Station Number Two and to authorize the creation of a building committee to effect the purpose of this article consisting of a member of the Board of Selectmen, the Town Manager, the Fire Chief, the Superintendent of Public Buildings and three residents to be appointed by the Board of Selectmen.

**\*Article 33**

**Acquire Land for Municipal Purposes  
South Side of Hartford Turnpike (Route 20)**

**VOTED** to end debate and vote the printed motion.

**VOTED BY STANDING VOTE YES, 138; NO, 2** a motion to appropriate the sum of \$1,000,000.00 to acquire for general municipal purposes, by eminent domain, gift or purchase under such terms and conditions deemed appropriate by the Board of Selectmen the land and building thereon situated in Shrewsbury, Worcester County Massachusetts on the south side of Hartford Turnpike (Route 20), and being more particularly described as follows:

BEGINNING at an iron pin at the northerly corner of the tract and on the southerly line of the Hartford Turnpike (U.S. Rte. 20) being located at a culvert under said Hartford Turnpike and S. 32° 53' 35" W. a distance of 398.12 feet from a M.H.B. shown on 1931 layout of Hartford Turnpike as being on the Southerly sideline of said road of Station 126+ 50.00,

THENCE S. 57° 06' 25" E. along land of C.B. St. Pierre a distance of five hundred and 00/100ths (500.00) feet to an iron pin;

THENCE continuing along land of D.B. St. Pierre S. 32° 53' 35" W. a distance of three hundred and 00/100ths (360.00) feet to an iron pin;

THENCE continuing along land of C.B. St. Pierre N. 57° 06' 25" W. a distance of five hundred and 00/100ths (500.00) feet to an iron pin at the southerly line of the Hartford Turnpike and located N. 32°53' 35" E. a distance of one hundred ninety-one and 79/100ths (191.79) feet from a M.H.B. shown on 1931 layout of the Hartford Turnpike as being on the southerly line of said road at Station 117+00.00;

THENCE N. 32 ° 53' 35" along said Hartford Turnpike a distance of three hundred sixty and 00/100ths (360.00) feet to the iron pin at the place of beginning.

Containing 4.132 acres of land more or less as shown on Plan 305-65.

Being the same premises conveyed to James F. Lomma by deed of Admamian Construction and Development Corporation dated December 15, 1987 and recorded in the Worcester District Registry of Deeds in Book 1102, Page 309.

and to fund the costs associated with the acquisition including the cost of survey, engineering, appraisal, legal and bond issuance and other professional expenses and fees; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$1,000,000.00 under G.L. c. 44, §7(3) or any other enabling authority.

**\*Article 34**

**Sherwood Middle School  
Design Development - Addition & Renovations**

**VOTED** to end debate and vote the printed motion.

**VOTED BY STANDING VOTE YES, 126; NO, 7** a motion to transfer \$485,000 from the Stabilization Fund to fund architectural, engineering, surveying, testing, appraisal or other costs associated with the design development of an addition to and for renovations and improvements of the Sherwood Middle School and to authorize the creation of a building committee to effect the purpose of this article consisting of a member of the Board of Selectmen, the Town Manager, the Superintendent of Schools, the Superintendent of Public Buildings and three residents to be appointed by the Board of Selectmen.

**\*Article 35                    Donahue Rowing Center  
Revolving Fund**

**VOTED UNANIMOUSLY** a motion that a revolving fund be established under the provisions of Chapter 44, Section 53E ½ of the General Laws for the operation and maintenance of the Donahue Rowing Center. All receipts for the use of this facility and those received by the Town during prior fiscal years shall be credited to the fund. Expenditures shall be made by the Park and Cemetery Commission upon approval by the Town Manager. Expenditures for Fiscal 2005 shall not exceed \$200,000.

**\*Article 36                    Council on Aging Bus  
Revolving Fund**

**VOTED UNANIMOUSLY** a motion to establish a revolving fund under the provisions of Chapter 44, Section 53E ½ of the General Laws for the operation and maintenance of the bus operated by the Council on Aging. All receipts paid to the Council on Aging by users of the bus and those received by the Town during prior fiscal years shall be credited to the fund. Expenditures shall be made by the Council on Aging upon approval by the Town Manager. Expenditures for Fiscal 2005 shall not exceed \$50,000.00.

**\*Article 37                    Counseling and Educational Services**

**VOTED UNANIMOUSLY** a motion to raise and appropriate the sum of \$80,000.00 for counseling and educational services to families.

**\*Article 38                    Highway Department Funds  
Chapter 246 of the Acts of 2002**

**VOTED UNANIMOUSLY** a motion to accept from the Commonwealth of Massachusetts \$422,311 under the provisions of Chapter 246 of the Acts of 2002 and transfer said funds to the Highway Department.

**Article 39                    Stabilization Fund**

**DEFEATED UNANIMOUSLY** a motion to transfer from Free Cash the sum of \$1.00 to the Stabilization Fund.

Finance Committee recommended defeat of Article 39

**\*Article 40                    Accept Sum of Money from CATV**

**VOTED UNANIMOUSLY** a motion to accept a sum of \$382,062 from the Municipal Light Department CATV division and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal 2005.

**\*Article 41                    Municipal Light Department  
In Lieu of Taxes**

**VOTED UNANIMOUSLY** a motion to accept a sum of \$115,606 from the Municipal Light Department in lieu of taxes, and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal 2005.

**\*Article 42                    Transfer Funds to Board of Assessors**

**VOTED UNANIMOUSLY** a motion to transfer the sum of \$500,000 from Free Cash and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal 2005.

The moderator thanked Finance Committee Chairman Daniel DeWolfe upon his retirement for twenty years service to the town between the Finance Committee and the Personnel Board.

**ADJOURNMENT**

**VOTED** to adjourn at 11:40 P.M.

ATTEST:

Ann M. Dagle  
Town Clerk